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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 JUL 17 AM 10:02
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Abel MEJIA-Solano,** Defendant	Magistrate Docket No. '08 MJ 2182 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **July 16, 2008** within the Southern District of California, defendant, **Abel MEJIA-Solano**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **17th** DAY OF **JULY, 2008**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

HWC

CONTINUATION OF COMPLAINT:
Abel MEJIA-Solano

PROBABLE CAUSE STATEMENT

On July 16, 2008 at approximately 6:00 a.m., Border Patrol Agent K. Reale was performing assigned duties when she responded to a call, via Bureau service radio communications, of a group of suspected undocumented individuals in an area known to agents as "79 Firebreak." This area is located Northeast miles east of the Otay Mesa, California Port of Entry.

Border Patrol Agent J. Rich observed four individuals traveling northbound in the area. Agent Reale responded to the area and after conducting a brief search found four individuals attempting to conceal themselves in some brush. Agent Reale approached the four individuals and identified herself as a United States Border Patrol Agent, and questioned the individuals as to their citizenship and nationality. All four, including one later identified as the defendant **Abel MEJIA-Solano**, admitted to being citizens of Mexico without any immigration documents allowing to be in or remain in the United States legally. Agent Reale placed the group under arrest and had them transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 13, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.